IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1799 OF 2005
IN
CRIMINAL APPEAL NO. 541 OF 2003

Christianus Aeros Mintodo & Ors ...Applicants

Versus

The State of Maharashtra ...Respondents

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Mr. Santosh Deshpnade, Advocate for Applicants

Mr. V.B. Konde Deshmukh, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 15TH JULY, 2005

P. C.:-

1. Heard both sides.

2. This application for return of property has been preferred by the applicants-original accused in C.R. No.41 of 1999 registered at Yellow Gate police station, Mumbai. These applicants are citizens of Indonesia.

3. The applicants were convicted by the Sessions Court in Sessions Case No. 197 of 2000. The said case was mainly under Section 395 of I.P.C. The applicants preferred Criminal Appeal No. 541 of 2003 before this Court. The said appeal came to be partly

allowed by order dated 7.3.2005 and the sentence of imprisonment imposed on the applicants came to be reduced to the period undergone by them. In the order dated 7.3.2005 it is stated that the articles and valuables belonging to the appellants mentioned in the judgment of the trial Court at Sr. No.23 to 128 be returned to the appellants. In the said order, it is further stated that four weeks time was granted so that the appellants/applicants can be deported to their country after necessary formalities were completed.

4. In view of the observations in the order dated 7.3.2005 this application has been preferred by the applicants who are appellants in Criminal Appeal No.541 of 2003, for return of property. However, in the meantime on 28.3.2005 as per the instructions of this Court the applicants came to be deported to Indonesia. In view of this fact Mr. Wisnu Sindhutrisno Vice Counsul of Consulate General of the Republic of Indonesia, Mumbai has given an undertaking to this Court to hand over all the belongings of the said accused persons to each of the respective accused persons and that compliance report of the same will be submitted to the Registrar of this Court and a copy thereof to the Investigating Officer. The said undertaking is taken on record and marked as "X" for identification. In view of the

undertaking all articles be handed over to Mr. Wisnu Sindhutrisno, Vice Counsul of Consulate General of the Republic of Indonesia, Mumbai. Mr. Wisnu Sindhutrisno shall submit the compliance report thereof to the Registrar of this Court as far as possible within a period of eight months from today.

5. Application is disposed of.

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